

REMARKS/ARGUMENTS

The Office Action dated April 9, 2007 has been carefully considered. Claims 10-21 are pending in the application, with claim 10 being the only independent claim. Claims 10 and 14-17 have been amended. Claim 21 has been added. Reconsideration of the application, as amended herein and in view of the following remarks, is respectfully requested.

Rejection of the Claims under 35 U.S.C. §103

Claims 10-14, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO 94/27019 in view of DE 34 25 765.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over WO 94/27019 in view of DE 34 25 765 and further in view of U.S. Patent No. 6,609,350 (*Weber*).

Claims 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO 94/27019 in view of DE 34 25 765 and *Weber* and further in view of U.S. Patent No. 4,523,414 (*Horgan*).

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over WO 94/27019 in view of DE 34 25 765 and further in view of U.S. Patent No. 3,685,240 (*Oscari*).

Allowability of Claim 10

Independent claim 10 has been amended to include one feature of claim 16. Amended claim 10 now recites, *inter alia*, the following:

“the transom panel being connected in frictional engagement with the side panels by the permanently elastic mass”.

Applicant respectfully submits that amended claim 10 is patentable over WO 94/27019 in view of DE 34 25 765 and *Horgan* because the combination of WO 94/27019, DE 34 25 765 and *Horgan* fails to teach or suggest the above-quoted limitations of amended claim 10.

When rejecting claim 16, the Examiner acknowledges that WO 94/27019 lacks the permanently elastic mass frictionally engaging the transom panel to each of the side panels. Therefore, WO 94/27019 also fails to teach or suggest the limitations “the transom panel being connected in frictional engagement with the side panels by the permanently elastic mass” of amended claim 10.

To bridge this “gap” between claim 16 and the combination of WO 94/27019 and DE 34 25 765 (DE 34 25 765 is primarily cited as disclosing the fittings), the Examiner refers to the sealant 51 of *Horgan*. The Examiner appears to contend that it would have been obvious to one of ordinary skill in the art to modify the plate-like wall components of WO 94/27019 with the sealant 51 of *Horgan*.

Applicant respectfully disagrees. Furthermore, none of the prior art of record discloses that a transom panel is connected in frictional engagement with side panels by a permanently elastic mass.

WO 94/27019 relates to a connector for wall panels 3, 5, 8. One embodiment of the connector includes a disk-shaped first half 10 and a complementary disk-shaped second half 22. When combined, the first and second halves 10, 22 form two grooves which are used to receive two panels such as panels 3, 8. The first and second halves 10, 22 are then secured together by a screw, thereby coupling the two panels 3, 8 to each other. *See* Figs. 1 and 12 and English Abstract of WO 94/27019. Note the connector spans over the gap between the two panels 3, 8 (*see* e.g., Fig. 1). Since the two panels 3, 8 are held together by the connector, WO 94/27019 fails to teach or suggest that the panels are connected in frictional engagement by a permanently elastic mass.

Horgan relates to a glass door assembly 10 which includes two sidelights (i.e. side panels) 14, 15, a transom 13 disposed between the two sidelights 14, 15, and two doors 11, 12 disposed below the transom 13 and between the two sidelights 14, 15 (see Fig. 1 and col. 3, lines 4-8 of *Horgan*). The glass door assembly 10 further includes a transom bar 20 which is disposed between the transom 13 and the doors 11, 12, and has a length wider than the space between the sidelights 14, 15. Each end of the transom bar 20 has a channel 23 for receiving a respective sidelight 14, 15. Each end of the transom bar 20 also has a pressure pad 26 in the channel 23 and a tightenable threaded member 27 associated with the pressure pad 26 so that each end of the transom bar 20 can be securely tied in to a respective sidelight 14, 15. The transom 13 is carried by the transom bar 20 (see Fig. 3) which in turn is carried by a pair of support rods 30 hanging from the ceiling 16. A sealant, such as silicone 51, covers the support rods 30 and forms a joint 50 between the transom 13 and each of the sidelight 14, 15, substantially burying the support rods 30 so that the support rods 30 appear nonexistent, leaving the transom bar 20 having an unsupported, floating appearance. See Figs. 1-5 and col. 3, lines 15 to col. 4, line 4 of *Horgan*.

In other words, in *Horgan*, the transom 13 is fastened to the sidelights 14, 15 by the combination of the transom bar 20, the support rods 30 and the threaded members 27. The silicone 51 is used to bury the support rods 30 so that the transom bar 20 has an unsupported, floating appearance. Since the transom 13 is supported by the transom bar 20 (which is connected to the sidelights 14, 15) and the support rods 30 (which are connected to the ceiling 16), *Horgan* fails to disclose, teach or suggest the limitations “the transom panel being connected in frictional engagement with the side panels by the permanently elastic mass” of amended claim 10.

Since *Horgan* teaches using the silicone 51 to bury the support rods 30 so that the transom bar 20 has an unsupported, floating appearance, and since WO 94/27019 teaches using a two-piece connector to couple the panel 3 to the panel 8, there is no apparent reason for a person with ordinary skill in the art to modify WO 94/27019 by using the silicone 51 of *Horgan* to fill up the gap between the panels 3, 8. This is especially true when neither support rod nor transom bar is used in WO 94/27019 and when even if the gap between the panels 3, 8 is filled up by the silicone 51 of *Horgan*, the connector would still be visible because it spans over the gap.

Furthermore, even if the silicone 51 of *Horgan* were used, there is no teaching or suggestion that the silicone would effect a frictional engagement between the panels of WO 94/27019.

In view of the foregoing, withdrawal of the 35 U.S.C. §103(a) rejection of claim 10 is respectfully requested.

Allowability of Claims 11-21

Dependent claims 11-21 are patentable for at least the same reasons that amended independent claim 10 is patentable, as well as for the additional limitations recited therein.

In particular, it is noted that neither *Horgan* nor *Weber* teaches or suggests the limitations “the transom panel is fastened to the side panels and the top structure solely by the permanently elastic mass” of claim 21 (emphasis added). As discussed earlier, in *Horgan*, the transom 13 is fastened to the sidelight 14 or 15 by the combination of the transom bar 20, the support rods 30 and the threaded members 27, and to a top structure by the support rods 30. *Weber*, on the other hand, is silent on how a transom panel, if any, is fastened to a top structure and side panels.

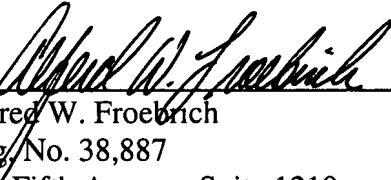
Conclusion

In view of all of the above, applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP

By


Alfred W. Froehrich

Reg. No. 38,887

551 Fifth Avenue, Suite 1210

New York, New York 10176

(212) 687-2770

Dated: July 9, 2007